

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RUDY WILKINS,
Plaintiff,
v.
MARIA MAGAT, et al.,
Defendants.

Case No. [15-cv-01706-YGR](#) (PR)

**NOTICE REGARDING INABILITY TO
SERVE DEFENDANT DR. THA KHIN
OR DR. KHIN THA**

This Order addresses issues regarding service in the above-captioned action. Service has been ineffective on **Defendant Dr. Tha Khin or Dr. Khin Tha** because this Defendant is “no longer employed” by Corizon Health at Santa Rita Jail. Dkts. 39, 41.

As Plaintiff is proceeding *in forma pauperis*, he is responsible for providing the Court with current addresses for all Defendants so that service can be accomplished. *See Walker v. Sumner*, 14 F.3d 1415, 1422 (9th Cir. 1994); *Sellers v. United States*, 902 F.2d 598, 603 (7th Cir. 1990). While Plaintiff may rely on service by the United States Marshal, “a plaintiff may not remain silent and do nothing to effectuate such service. At a minimum, a plaintiff should request service upon the appropriate defendant and attempt to remedy any apparent defects of which [he] has knowledge.” *Rochon v. Dawson*, 828 F.2d 1107, 1110 (5th Cir. 1987). If the marshal is unable to effectuate service and the plaintiff is so informed, the plaintiff must seek to remedy the situation or face dismissal of the claims regarding that defendant under Federal Rule of Civil Procedure 4(m). *See Fed. R. Civ. P. 4(m)* (providing that if service of the summons and complaint is not made upon a defendant in 120 days after the filing of the complaint, the action must be dismissed without prejudice as to that defendant absent a showing of “good cause”); *see also Walker*, 14 F.3d at 1421-22 (prisoner failed to show cause why prison official should not be dismissed under Rule 4(m) because prisoner did not prove that he provided marshal with sufficient information to


1 serve official).

2 No later than **twenty-eight (28) days** from the date of this Order, Plaintiff must provide
3 the Court with a current address for **Defendant Dr. Tha Khin or Dr. Khin Tha**. Plaintiff should
4 review the federal discovery rules, Rules 26-37 of the Federal Rules of Civil Procedure, for
5 guidance about how to determine the current address of this Defendant.

6 If Plaintiff fails to provide the Court with the current address of **Defendant Dr. Tha Khin**
7 **or Dr. Khin Tha** within the twenty-eight-day deadline, all claims against this Defendant will be
8 dismissed without prejudice under Rule 4(m).

9 IT IS SO ORDERED.

10 Dated: November 4, 2016

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12 YVONNE GONZALEZ ROGERS
13 United States District Court Judge
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United States District Court
Northern District of California